The opinion in support of the decision being entered today is *not* binding
precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte MICHAEL J. BORG

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Appeal 2007-2167
Application 09/991,752
Technology Center 2100

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Decided: September 13, 2007

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Before JOSEPH F. RUGGIERO, MAHSHID D. SAADAT,
and ROBERT E. NAPPI, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of
claims 1-20, which are all of the claims pending in this application. We
have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Appellant has invented a method for automating portions of a data entry process as a user enters the user information (Specification 3). According to Appellant, by storing user information in a storage medium and accessing the entered information, the identity of a user is determined and additional information pertaining to the user is retrieved from the storage medium (*id.*).

Claim 1, which is representative of the claims on appeal, reads as follows:

> 1. An automated data entry method comprising:
>
> entering a user information at a first location;
>
> searching a storage medium at said first location to determine an identity of a user based on the entered information;
>
> accessing a storage medium at a second location upon not being able to identify a user by searching the storage medium at said first location, said medium at the second location containing information for a plurality of users;
>
> searching the storage medium at the second location to determine an identity of said user based on the entered information; and
> retrieving additional information pertaining to the user from the storage medium at the first or second locations based on the determined identity.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Gupta	US 5,826,258	Oct. 20, 1998
Gupta	US 6,199,079 B1	Mar. 6, 2001

The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) based upon the teachings of Gupta '079 and Gupta '258.

ISSUE

The issue is whether Appellant has shown that the Examiner erred in rejecting the claims under 35 U.S.C. § 103. Appellant asserts that the disclosure of Gupta "079 has nothing to do with *"determining a user's identity"* by searching and accessing a second location or "retrieving additional (or any) user information" from the second location (Br. 6). Appellant further argues that the use of a "wrapper" in Gupta '258 is not related to the "identity of a user" or its determination (Br. 7). Based on such assertions, Appellant argues that the combination of the references would not teach or suggest access to the customer data from the vendor's web site nor determining the identity of a user (Br. 7-8). Therefore, the issue turns on whether the combination of the applied references teaches the claimed subject matter including determining "the identity of a user" from the information entered at a first or a second location and "retrieving additional information" based on the determined identity.

FINDINGS OF FACT

The following findings of fact (FF) are relevant to the issue involved in the appeal and are believed to be supported by a preponderance of the evidence.

1.   Gupta '079 provides for a method of automatically filling in on-line forms presented by web pages in an internet transactional environment (Abstract), wherein a user may shop for items from different vendors' Web

sites to automatically fill in order forms and then to purchase these items without having to browse and interact with different sites (col. 2, ll. 60-63).

2.   Gupta '079 shows in Figure 1C a transaction integrator 100 which processes information in conjunction with one or more wrapper programs 140, 150 and 160 configured to specific merchandising sites 139, 149 and 159 while a User Meta-database 170 and User Selection database 180 are used for filling in of online forms presented by various shopping sites (col. 6, ll. 11-22). Transaction integrator 100 controls responding to the user's requests to search for various merchandise, obtaining information from the user about the user's merchandise selections from the search results and building information into the User Meta-database 170 and the User Selection database 180 (col. 6, ll. 22-27).

3.   As depicted in Figure 1D, Gupta '079 further discloses a plurality of relationships between data objects in the User Meta-database 170 (col. 6, ll. 28-29), which is described as being unique to each user and comprises a first property, "first-name," and a second property, "last-name" (col. 6, ll. 42-44). Gupta '079 further discloses that relationship 90 of the plurality of relationships associates a User ID 92 with a form ID 94, and a plurality of property-value tuples 96, 98 and 99 (col. 6, ll. 52-54).

4.   Gupta '079 describes automatically filling forms associated with a vendor's site corresponding to product selections made by a user with the information stored in User Meta-database 170 and User Selection database 180, such as the name, credit card number, and address of a user, using relationships 60, 70, 80 and 90 depicted in FIG. 1D (col. 8, ll. 15-20).

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5.   Alternatively, Gupta '079 discloses using a wrapper, a program which fills in and submits forms in order to accumulate information from web sites and to complete a purchase transaction using the data obtained from the User Meta-database 170 and User Selection database 180 (col. 8, ll. 56-61).

6.   Gupta's wrapper program is constructed for each vendor to capture the logic for the forms that need to be filled to consummate a purchase while a second wrapper program is constructed for each site to perform information -gathering (col. 9, ll. 1-5). Additionally, the transaction-wrapper is disclosed that exercises different parts and different functionality of the site than the information-gathering wrapper. Any site can have multiple wrappers built for it, each of which gets different information or performs a different function (col. 9, ll. 5-9).

7.   Gupta's wrapper is further described in the other applied reference, Gupta '258, which is also incorporated by reference in Gupta '079 (col. 9, ll. 9-15).

8.   Gupta '258 discloses a wrapper to extract information and to provide structured information in the form of structured high-level user queries which are processed across the disparate semistructured resources using a plurality of wrappers each dedicated to a particular resource (Abstract).

9.   Gupta '258 further defines a wrapper (or site program) as a software layer that provides a relational database interface to information on a site (col. 3, ll. 33-34).

10.   As depicted in Figure 11 of Gupta '258, a user 558 queries a dynamic agent 560, which accesses information from the information sources and stores or caches the resulting data in a relational database 562. The relational database may also contain other relational data in conjunction with the relational data from the information sources. (col. 8, l. 25 through col. 9, l. 4).

11.   Gupta '258 discloses that when the dynamic agent receives a query from a user, the agent determines whether there is sufficient data already in the relational database to satisfy the query (col. 9, ll. 5-7). If additional data or information is needed, the agent issues a query to the mapper, which in turn issues queries to the appropriate information sources through the wrappers (col. 9, ll. 9-12).

PRINCIPLES OF LAW

To reach a conclusion of obviousness under § 103, the Examiner bears the burden of producing factual basis supported by teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a prima facie case. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984).

Furthermore, the test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. *See In re Kahn*, 441 F.3d 977, 987-88, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), *In re Young*, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir.

1991) and *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).

"Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1734, 82 USPQ2d 1385, 1391 (2007).

"The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Leapfrog Enter., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161, 82 USPQ2d 1687, 1691 (Fed. Cir. 2007) (quoting *KSR Int'l v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (2007)). "One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent's claims." *KSR*, 127 S. Ct. at 1742, 82 USPQ2d at 1397.

<div align="center">ANALYSIS</div>

The Examiner characterizes the User Meta-data in Gupta '079 as the claimed storage medium at the first location, which includes user's information based on the product selection by the user (Answer 8). The Examiner reads the claimed storage medium at a second location on the vendor databases used by the wrapper which captures additional information corresponding to the user selection for filling the order form (Answer 9).

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Appellant argues that Gupta '079 uses the User Meta-data which is a single source for storing and accessing the user information (Br. 6). According to Appellant, Gupta '079 does not access a second location for the purpose of identifying the user, as recited in claim 1 (*id.*). Appellant further asserts that such recitation is absent in Gupta '258 since the terms "user identity" and "determining an identity of a user" are absent in the reference (Br. 7).

We agree with the Examiner that the wrappers look into multiple secondary sources for information pertaining to the user in order to fill the purchase order forms (FF 5-9). The wrappers extract information based on the user's order or selection, which in turn, relates to the user's information needed to fill the form (FF 1-3). In that regard, the relationships relied on for extracting the user information include the user identity which, in turn, determines what specific information about the user is needed (FF 4). Therefore, contrary to Appellant's assertion that a second location is not searched for the purpose of determining a user's identity or additional information (Reply Br. 3), the information obtained by the wrapper from the vendors' sites relate to the user information and identifies the user from the prior relationship with those venders (FF 8-10).

Although not explained in so many words, the Examiner's position is that the wrapper looks at other sites for the user identification information if the first site or the User Meta-data fails to provide all the necessary information for filling the order form. As such, determining the identity of the user prior to extracting the user information is implied since the user information is extracted only after identifying the user. The user may be

identified, as described by Gupta '079, based on the order while the wrapper determines the identity of the user prior to extracting additional information (FF 10). The wrapper further retrieves additional information pertaining to the user by obtaining the information related to the user's order such as the vendor info, user identity, etc. (FF 11).

With respect to claim 12, Appellant provides similar arguments discussed and addressed above (Br. 10). In particular, Appellant asserts that determining the identity of a user is neither taught nor suggested by the prior art (*id.*). As discussed above with respect to claim 1, the user data is extracted only if the user is identified. Therefore, we agree with the Examiner that the user information is obtained by the wrapper after searching the User Meta-data and is based on identifying the user.

CONCLUSION OF LAW

Because Appellant has failed to point to any error in the Examiner's position, we sustain the § 103 rejection with respect to independent claims 1 and 12 as well as claims 2-11 and 13-20, which are argued either together with claim 1 or merely based on the same reasons discussed in relation with their base claims (Br. 5 & 8). Therefore, we sustain the 35 U.S.C. § 103 rejection of claims 1-20 over Gupta '079 and Gupta '258.

DECISION

The decision of the Examiner rejecting claims 1-20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. 1.136(a)(1)(iv).

AFFIRMED

tdl/gw

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